

REMARKS

Claims 1-20 were pending in the above-identified patent application. Claims 1-5, 7-13 and 15-19 were rejected. Claims 6 and 14 were objected to but deemed allowable if rewritten in independent form. Claim 20 was allowed. Claims 1, 6, 9, 14 and 17 are being amended. Claims 21 and 22 are being added. Claims 1-22 are now pending. Reconsideration is respectfully requested.

In section 1, the Examiner allowed claim 20 and objected to claims 6 and 14 as dependent on rejected base claims. Claims 6 and 14 are being amended to include the limitations of their base claims. Accordingly, Applicant believes that claims 6 and 14 are now allowable.

In section 2, the Examiner rejected claims 1-5, 9-13 and 17-19 under 35 USC § 102 as unpatentable over Viswanathan.

Viswanathan discloses a file server maintaining mirrored file system volumes. Each file system has the capability to take one or more snapshots, each of which is associated with a consistency point value indicating a sequence in which the snapshot was taken. Although Viswanathan does not appear to disclose how to take snapshots, it appears that the file server takes snapshots using the WAFL file system technology.

Independent claims 1, 9, and 17 are being amended similarly to include “updating a data structure in a remote host system to record backup times for the first and second snapshots and to record locations of the snapshots on the snapshot volumes.” Since Viswanathan does not describe updating a data structure of backup times and snapshot locations “in the remote host system”, Applicant respectfully submits that claims 1, 9 and 17 and claims dependent therefrom are patentable over Viswanathan for at least this reason.

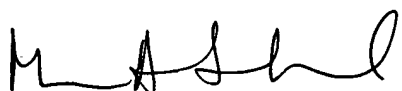
In section 3, the Examiner rejected claims 7 and 15 over Viswanathan in view of Kusters. Kusters discloses techniques for maintaining multiple temporal snapshots of a common base volume. However, like Viswanathan, Kusters does not teach updating a data structure of backup

times and snapshot locations "in the remote host system." Accordingly, Applicant respectfully submits that claims 7 and 15 (which depend from claims 1 and 9, respectively) are patentable over Viswanathan in view of Kusters for at least this reason.

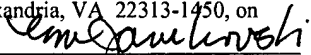
If the Examiner has any questions, the Examiner is invited to contact Applicant's representative at the number below.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
Date: October 22, 2004 By: 

Eileen Janikowski